

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO.253 OF 2016

Vijay Mahadeo Wanjare .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mrs.U.K.Wagle, Advocate, for the Applicant

Mrs.R.V.Newton, APP, for the Respondent No.1 –
State

Mr.D.S.Pahurkar, Advocate, for the Respondent
No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2016

P.C.

. Learned counsel for the Applicant and the learned counsel for the Respondent No.2 state that the parties have amicably settled their dispute. They have tendered the Consent Terms entered into by and between the Applicant and Respondent No.2. The said Consent Terms are taken on record and marked as "X" for identification. Both, the Applicant and the Respondent No.2 are present in Court and have

identified their signatures as it appears in the Consent Terms and have also been identified by their respective counsels.

2. As per the Consent Terms, the Applicant and the Respondent No.2 have amicably settled their dispute for a total sum of Rs.10,00,000/-. The Applicant has handed over to the Respondent No.2, two Demand Drafts; one for Rs.5,00,000/- and another for Rs.2,40,000/-. The Respondent No.2 acknowledges receipt of the said Demand Drafts. The Applicant has also given his no objection to the Respondent No.2, to withdraw the sum of Rs.2,60,000/- deposited by him in the Court of the learned Additional Chief Metropolitan Magistrate, Kurla towards part payment of the balance amount, without interest. In view thereof, the Respondent No.2 has also given no objection, if the impugned Judgments and Orders are quashed & set aside.

3. As far as the interest, if any, accrued on Rs.2,60,000/- deposited by the Applicant in the trial Court is concerned, the Respondent No.2 has no objection, if the Applicant withdraws only the interest accrued on the said amount of Rs.2,60,000/-. It is made clear, that the Applicant is permitted to withdraw only the interest, if any, accrued on the said amount of Rs.2,60,000/- on furnishing proof of his identity and not the principal amount of Rs.2,60,000/-, as the said amount of Rs.2,60,000/- is to be paid to the Respondent No.2.

4. Accordingly, the Application is allowed. The impugned Judgment and Order dated 12.10.2012 passed by the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai in S.C.C.No.3014474/SS/2010 and the impugned Judgment and Order dated 11.03.2016 passed by the learned Additional Sessions Judge, Greater

Mumbai in Cri.Appeal No.705 of 2012 are quashed & set aside and the Applicant is acquitted of the offence with which he is charged.

5. In view of disposal of the Revn.Application, the Bail Application No.224 of 2016 does not survive and the same stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)